

## ***City Council Meeting Minutes***

**Tuesday, October 6, 2015  
City Hall, Council Chambers  
749 Main Street  
7:00 PM**

**Call to Order** – Mayor Muckle called the meeting to order at 7:00 p.m.

**Roll Call** was taken and the following members were present:

**City Council:** *Mayor Robert Muckle, Mayor Pro Tem Hank Dalton.  
Council members: Jeff Lipton, Jay Keany, Susan Loo  
Chris Leh and Ashley Stolzmann*

**Staff Present:** *Malcolm Fleming, City Manager  
Heather Balser, Deputy City Manager  
Kevin Watson, Finance Director  
Joe Stevens, Parks & Recreation Director  
Aaron DeJong, Economic Development Director  
Troy Russ, Planning and Building Safety Director  
Kurt Kowar, Public Works Director  
Sean McCartney, Principal Planner  
Scott Robinson, Planner II  
Lauren Trice, Planner I  
Nancy Varra, City Clerk*

**Others Present:** *Sam Light, City Attorney*

### **PLEDGE OF ALLEGIANCE**

All rose for the pledge of allegiance.

### **APPROVAL OF AGENDA**

Mayor Muckle called for changes to the agenda and hearing moved none to approve the agenda, seconded by Mayor Pro Tem Dalton. All were in favor.

### **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

No public comments.

## **APPROVAL OF THE CONSENT AGENDA**

- A. Approval of the Bills**
- B. Approval of Minutes –September 15, 2015; September 21, 2015**
- C. Approve Rescheduling of November 3, 2015 City Council Meeting to November 2, 2015**
- D. Resolution No. 67, Series 2015 – A Resolution Naming the City of Louisville Officials to Act as Managing Officers for the Coal Creek Golf Course Liquor License**
- E. Award Miner's Field Restroom Facility Remodel Project**

Council member Loo requested Consent Agenda item 5F (Award Bid for Louisville and Superior Water Interconnect Construction) be removed from the consent agenda and placed on the regular business agenda. Mayor Muckle removed Consent Agenda Item 5F to the Regular Business Agenda as Item 6A.

MOTION: Mayor Muckle moved to approve the Consent Agenda, as amended, seconded by Mayor Pro Tem Dalton. All were in favor.

## **COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA**

Mayor Muckle reported on the grand opening of the new City Services Facility, which was held earlier this evening. He stated the facility is a dramatic upgrade in the workspace for the city service employees.

## **CITY MANAGER'S REPORT**

City Manager Fleming reported on the following: The City's Leaf Drop Off will begin on Tuesday, October 13<sup>th</sup> at the Sport's Complex. The drop off will end on November 20<sup>th</sup>. EcoCycle is canvassing neighborhoods to help residents identify ways to reduce their cost of trash collection.

Public Works Director Kowar explained the outreach will refresh the public's memory on the different rates for container sizes. They will also educate the public on composting and recycling, which may not be common knowledge. This may lead to reducing their cost of services by converting to smaller trash containers.

City Manager Fleming reported on the downtown brick work on Main Street. The bricks will be replaced near the completed concrete work. Later in the month, all of the bricks along Main Street will be repositioned so they will be in line with the curb. The street will then be resurfaced after October 15<sup>th</sup>. The work is being completed in phases. He reported Via Appia is in the process of being resurfaced and will be completed by the end of the month. He thanked the public for their patience.

## **REGULAR BUSINESS**

---

### **AWARD BID FOR LOUISVILLE AND SUPERIOR WATER INTERCONNECT CONSTRUCTION**

Mayor Muckle requested a staff presentation.

Public Works Director Kowar explained before the Council is a construction contract to construct a potable water interconnect with the Town of Superior. The cost of construction will be split equally between the two communities and would provide redundancy for both. A study was conducted to explore ways to optimize the usage of each community's water systems. Louisville may need to expand their water plants, but under this system; there would be the ability to interconnect with a neighboring community on peak days during the summer months. The interconnect system would cost significantly less than expanding the City's water plants. The project has been through the bid and design process. The contract is in the amount of \$536,435 with a staff controlled contingency of \$63,565.

Staff recommended awarding the contract in advance of the IGA to preserve bid pricing and enable construction starting during the fall weather season. Currently the communities have been working in good faith under a letter of commitment signed by the City and Town Managers. The Town of Superior determined in the final draft of the IGA, the cost of water would be \$5.30 per 1,000 gallons of construction water. The Water Committee reviewed the IGA and did not approve the rate and felt there should be further discussion. He noted there has been discussion between the City and Town Managers and Public Works Directors of Louisville and Superior.

Council member Lipton confirmed the Water Committee reviewed this matter very thoroughly at their last meeting and were unanimous in their concern for the negotiated price for 1,000 of usage. They advised staff the cost would have to be equalized with the Town of Superior. They supported going forward with the project because the cost is being split 50/50. He supported going forward, because if the project is delayed and has to be rebid, it may be self-defeating in cost of the project and the usage. He asked for clarification for the request for \$450,000 instead of the \$300,000. Public Works Director Kowar explained through the design process it has operated through reimbursement. He noted during peak demands, the current higher rates tiers are between \$11.70 and \$14.41 per 1,000 gallons, so the City still covers their costs.

City Manager Fleming reported on his meeting with Superior Town Manager Matt Magley, who was very comfortable with the discussion coming back to the Joint Interest Committee. He recommended \$3.00 per 1,000 gallon amount and was confident the Joint Interest Committee would be amenable to this amount.

Council member Stolzmann voiced her concern the City does not have an IGA with Superior yet, but was relieved to hear of the two Manager's discussion.

Council member Loo stated she was uncomfortable going forward without an IGA. She suggested continuing this matter until the IGA could be finalized and before the construction contract expires.

#### **PUBLIC COMMENTS**

Sherry Sommers, 910 S. Palisade Court, Louisville, CO inquired if the City would have rights to the water at peak demand and why was Superior paying for half of the project.

Mayor Muckle explained the City has rights to the water but during peak times during the summer, may not have capacity to treat the water. Both communities have interest in this project. They may have a problem if they need to take their water plant off-line and in those instances, they would use the interconnect to get water to their community. He voiced his appreciation for the concern about the IGA, but felt both communities need this project and the cost sharing is beneficial to both communities. He supported going forward with the contract without the IGA.

City Attorney Light inquired whether the contract amount exceeded what is currently budgeted. He suggested either the contract approval be subject to written confirmation from the Town of Superior acknowledging their responsibility for half the cost of the contract or the contract document state half the funding of the project is from the Town of Superior. In that respect, all the money to fund the project would be in place.

City Manager Fleming reported the total amount of the contract is more than budgeted, but the City's share is less than currently budgeted.

**MOTION:** Mayor Muckle moved to award the 2015 Water System Tie-in with Superior to Redpoint per their Bid in the amount of \$536,435, and authorize staff to execute change orders for additional work up to a 12% project contingency of \$63,565.00, and authorize the Mayor, Public Works Director and City Clerk to sign and execute contract documents on behalf of the City, with the provision the Town of Superior has first provided written confirmation of its obligation of responsibility of 50% of the project cost. The motion was seconded by Council member Lipton.

#### **COUNCIL COMMENT**

Council member Stolzmann understood Council's desire to go forward with the contract, but supported Council member Loo's recommendation to continue this matter until there is an IGA. She supported the project, but wanted to have the IGA in place before going forward with the contract approval. Mayor Pro Tem Dalton asked Council member Stolzmann if she wanted to see an IGA regarding the water rates or just a signed agreement that Superior will pay their half.

Council member Stolzmann wanted an IGA in place to ensure Superior would pay half of the project.

City Attorney Light explained the motion included a provision that the contract would not go forward without the Town of Superior agreeing to pay half of the project.

Mayor Pro Tem Dalton was comfortable with the provision as outlined by the City Attorney. Council member Stolzmann noted there have been a number of issues raised in the past. It was her expectation that both municipalities would pay for half of the contract this year.

Public Works Director Kowar agreed there had been issues before with the underpass, but on this project there has been a high level of confidence in both cities.

Council member Loo stated it was not only the underpass; it was also the Town Center. She still did not feel the contract could be approved without an IGA.

Mayor Muckle clarified the IGA deals with the future use of the facility and not its construction.

Vote: Roll call vote was taken. The motion carried by a vote of 5-2. Council members Loo and Stolzmann voted no.

**RESOLUTION No. 68, SERIES 2015 – A RESOLUTION AMENDING THE  
MEMBERSHIP OF THE RECREATION/SENIOR CENTER AND AQUATICS CENTER  
EXPANSION TASK FORCE**

Mayor Muckle requested a staff presentation.

Public Relations Manager Muth reported in September the City Council approved the creation of a Task Force to evaluate a possible Recreation and Senior Center expansion and improvements to indoor and outdoor aquatic facilities. The City advertised for citizens interested in serving on this committee and had an outstanding response with 40 well-qualified citizens responding to the request. City staff, the Mayor and Councilmember Lipton reviewed the applicants for the Task Force and found there to be a great number of worthy applicants. Mayor, Councilmember Lipton and staff recommend increasing the size of the Task Force to eleven regular members, two City Council members, and two ex officio members, one each from the Youth Advisory Board and the Senior Advisory Board.

**COUNCIL COMMENTS**

Mayor Muckle reported whenever the City seeks applicants to fill appointments there are always quality candidates. He explained since all of the 40 applicants were excellent candidates, citizen membership on the Task Force was expanded to eleven.

Council member Loo inquired whether the two ex officio members would be voting members. She felt it was important for Council to determine whether those two members were voting members.

Mayor Muckle stated generally the Task Force would be voting by consensus, but had no problem with the two ex officio members having voting rights.

Council member Lipton stated the original concept was the ex officio members would be non-voting. There was some question whether the Youth Advisory member would be able to make the time commitment, but it is still important to capture their input. With respect to the Senior Advisory Board member, it's important to capture their input, but they are still able to represent the senior community.

Council member Leh understood the argument for having non-voting members, but stressed the importance of the Youth member having a vote.

MOTION: Mayor Muckle moved to approve Resolution No. 68, Series 2015, with the amendment of two ex officio voting members, seconded by Mayor Pro Tem Dalton. All were in favor.

#### **APPOINTMENTS TO THE RECREATION/SENIOR CENTER AND AQUATICS FACILITY TASK FORCE**

Mayor Muckle explained he, Council member Lipton and Recreation staff members reviewed all the applications and determined the appointment of Task Force members.

MOTION: Mayor Muckle moved to appoint Gina Barton; Alex Gorsevski; Linda Hodge; Michele VanPelt; Rich Bradfield; Lisa Norgard; Louise McClure; Laura Denton; Brett Commander; Tom Tennessen and Michael Menaker. Ex officio members: Kaylix McClure (representing the Youth Advisory Board) and Deborah Fahey (representing the Senior Advisory Board). Council members Lipton and Loo will represent the Council. Council member Lipton will be the Task Force Chairperson. The motion was seconded by Mayor Pro Tem Dalton. All were in favor.

#### **COUNCIL COMMENTS**

Council member Stolzmann commented she felt the Task Force would do a very good job. She recommended for future Task Forces, the City should consider trying to diversify the candidate pool and not choose applicants who are currently serving on City Boards or Commissions. Mayor Muckle agreed.

Mayor Pro Tem Dalton noted all the Council was impressed with the Task Force applicants and he felt it was an extraordinary output of excellent candidates. He thanked everyone who applied.

Council member Loo asked the applicants who did not get appointed to stay involved.

**RESOLUTION No. 69, SERIES 2015 – A RESOLUTION APPROVING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF LOUISVILLE AND HUMAN MOVEMENT INC.**

Mayor Muckle requested a staff presentation.

Economic Development Director DeJong reviewed the 1501 Empire Road Lease with Human Movement, Inc.

Background: The City Operations is out of the building and occupying the new City Services Facility. Council expressed an interest in leasing the 1501 Empire Road property. An RFP was issued in June 2015. On July 28<sup>th</sup> Council directed staff to negotiate a lease with Human Movement Inc., a Louisville-based event company, whose current location is being redeveloped. Human Movement has 75 employees. The leased property consists of 3 structures; main operations building; maintenance building, brown storage building, which totals, 20,104 square feet. The total property is 3.63 acres.

Lease Terms: 10-year initial term with three 5-year renewal terms. Year 1: \$160,832 annual rent (\$8 per square foot); \$248,900 per year in Year 10 (\$12.38 per square foot). The renewal term rates reflect market rents in the Colorado Technology Center. \$160,832 maximum tenant improvement allowance reimbursed at a \$10 to \$1 ratio. The Tenant will be responsible for all maintenance on the building. The City has a right to terminate the lease to use the Property for providing City services. (Relocation costs within Initial Term Reimbursement of a portion of Tenant Improvements within Initial Term). Human Movement may sublease portions of the property with the City's written consent. Human Movement has a right of first refusal to purchase the property.

Fiscal Impact: \$160,832 in annual rental revenue growing to \$248,900 in 2025; \$160,832 maximum tenant improvement allowance. Costs must be incurred prior to 12/31/2016. No City ongoing costs for the property as Human Movement responsible for maintenance. Staff recommended the City Council approve Resolution No. 69, Series 2015.

**COUNCIL COMMENTS**

Council member Lipton stated generally he is comfortable with the economic development packages as presented, but had some concerns over the term of this lease, with the renewals. He expressed his concern with regard to Article 8, Assignment and Subletting and felt the term was too broad. He suggested a standard change relative to the landlord's discretion for subletting to a subsequent tenant. He asked City Attorney Light if the standard could be changed to reflect something in the landlord's reasonable discretion. He wanted more approval rights of a subsequent tenant.

City Attorney Light stated the language generally begins with the Landlord's absolute discretion, but tenants want some consideration on the issue. He explained the primary issue of going into disputes of whether consent is given or withheld are the financial viability of the tenant; whether there can be an expectation of performance and the uses. Council could authorize staff to negotiate revisions to the contract more favorable to the landlord.

Council member Lipton was concerned over the length of the lease term. He stated the City is making a major investment in the Highway 42 Plan and his concern centered on the City's discretion on subletting to a subsequent tenant.

Council member Leh agreed and stated there should be some expectation of performance and criteria, which covers the land use and the financial viability.

Mayor Muckle asked if the City Council was comfortable with having staff negotiate changes to the contract.

Council member Stolzmann addressed Section 23.12 Right of First Refusal to Purchase Premises. She felt the language was too specific with respect to a third party offer and requested the language be broad or be totally taken out. She did not believe this section addresses the issue of selling the property.

City Attorney Light stated Section 23.12 is a matter of negotiation. He explained right of first refusal offered to a tenant is a limitation on the landlord's flexibility to dispose of the property. The contract language is narrowly written and has a clear and direct timelines on what would have to occur. The contract was written as a one-time right of first refusal.

Council member Lipton stated the contract does not put great limitations on the City should it be decided to sell the property. The City could put restrictions on the zoning of the property. If the City decided to sell the property the lease would go with the sale of the property.

**MOTION:** Mayor Muckle moved to approve Resolution No. 69, Series 2015, seconded by Council member Keany.

City Attorney Light stated Section 2 of the Resolution authorizes the Mayor to execute such Lease Agreement on behalf of the City, and the Mayor and the City Manager, or either of them, are hereby further granted the authority to negotiate and approve such revisions to said Lease Agreement as the Mayor or City Manager determines are necessary or desirable for the protection of the City, so long as the essential terms and conditions of the Lease Agreement are not altered.

Council member Stolzmann inquired if Council member Lipton was satisfied with language in Section 2 of the Resolution. Council member Lipton was willing to take the



advice of Counsel, but would be more comfortable with some absolute or reasonable landlord discretion in assignment or subletting of the property.

City Attorney Light inquired if it was the use of the property that was of concern to Council member Lipton. If so the language can be reworked to address the proposed use of the property.

Council member Lipton suggested if the tenant is proposing a substitute business consistent with their business, it would be acceptable with the City. With respect to assignment he recommended it be part of their corporate structure.

VOTE: All were in favor.

**ORDINANCE No. 1702, SERIES 2015 – AN ORDINANCE AMENDING SECTION 17.08.205 OF THE LOUISVILLE MUNICIPAL CODE TO CLARIFY THE DEFINITION OF GRADE – 2<sup>nd</sup> Reading – Public Hearing**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1702, Series 2015.

Mayor Muckle opened the public hearing and requested a staff presentation.

Planner II Robinson explained height is measured from average grade at foundation to the highest point on the roof. This allows fill to be added to raise the foundation if a building is too tall. Two options are available: Option 1: Measure height from “Natural grade” and Option 2: Measure grade level away from foundation.

Option 1 - Measure height from “natural grade”. This option requires the surveyor to establish grade before work begins. It still requires measuring height at framing, but ensures height can’t be increased by adding fill. There may be difficulties if grade has been previously altered.

Option 2 - Measure grade level away from foundation. This option only requires measuring height at framing. There is no concern about previous changes in grade. There could be questions about whether fill has been added and could be gamed by raising the grade of entire site.

Staff proposed amending Section 17.08.205 in the LMC to read: “If fill is added to raise the surface elevation at the structure by more than one foot, then grade is determined from the finished site grade level a minimum distance of ten feet from the structure wall, or from the property line if the property line is closer than ten feet to the structure wall.” Staff recommended the City Council approve Ordinance No. 1702, Series 2015; amending section 17.08.205 of the Louisville Municipal Code to clarify the definition of grade.

## COUNCIL COMMENT

Mayor Muckle noted this is a problem in Old Town and inquired why the sidewalk or the property line cannot be used to determine grade. Planner II Robinson explained the amendment would apply citywide and not all properties have sidewalks. Also large lots could have significant grade changes as could properties on a hill.

Mayor Pro Tem Dalton asked if the requested code change was to correct a foundation poured too high. He stated if someone poured a foundation too high it should be corrected to the proper grade. Planner II Robinson explained currently if the foundation is too high the builder can bring in fill dirt.

Mayor Pro Tem Dalton asked if there is an inspection prior to the foundation pour. Planner II Robinson explained there is an inspection on the foundation forms and on the setbacks. Planning and Building Safety Director Russ explained the way the foundation forms are set it is very difficult to determine depth, but easy to determine the setbacks requirements. There are variables in determining the depth because there is nothing to determine grade.

Mayor Muckle explained it's the total height that is in question.

Council member Lipton stated his interpretation of the ordinance is to determine the measurement points of whether a foundation is too high or the building is too low. He felt the ordinance provides a better definition.

Planner II Robinson reviewed the current safeguards on plan reviews to protect height in terms of framing. When an application for a building permit is reviewed the height is established above grade. If it is within 3 feet of the allowed maximum, buildings proposed to be 24' or taller require a letter from a surveyor at framing inspection, stating it meets the height requirements.

## PUBLIC COMMENT

Sherry Sommers, 910 S. Palisade Court, Louisville, CO suggested determining grade might also be based on adjoining properties.

## COUNCIL COMMENT

Council member Stolzmann welcomed the discussion on the definition of height. She did not feel the ordinance would address everything that may come forward. She agreed with Ms. Sommer's comment. She was interested in the Planning Department's comments on averaging to two street corners. She asked why the initial grade before construction could not be used to compare height.

Planner II Robinson addressed Ms. Sommers and Council member Stolzmann's comments and agreed with those options. He noted the natural grade option places the burden on the property owner to calculate the grade. Determining grade on larger properties could create more problems.

Planning and Building Safety Director Russ outlined other safeguards on a plan review to protect a neighboring property. A drainage certificate is required on all redevelopment to eliminate any stormwater drainage onto another property. They also require drainage easements between property lines. A requirement at final is an elevation certificate showing how the drainage is to work.

Council Discussion: Mayor Muckle supported staff's recommendation although he was interested in a "Whereas" provision for a natural grade. Council member Lipton did not agree with natural grade and supported the finished grade approved through a PUD. Council member Loo felt the definition was well clarified in the staff report. She supported the staff's recommendation.

Mayor Muckle call for public comment and hearing none, closed the public hearing.

MOTION: Council member Lipton moved to approve Ordinance No. 1702, Series 2015, seconded by Council member Loo. Roll call vote was taken. The motion carried by a vote of 7-0.

**RESOLUTION No. 70, SERIES 2015 – A RESOLUTION APPROVING A SPECIAL REVIEW USE (SRU) TO ALLOW FOR AN AGRICULTURAL LAND USE IN THE RESIDENTIAL LOW DENSITY (RL) ZONE DISTRICT IN ORDER TO DEVELOP A COMMUNITY GARDEN WITH 45 PLOTS AND TWO 80 SF TOOL SHEDS ON THE NORTHEAST AND NORTHWEST CORNERS OF GRIFFITH STREET AND LINCOLN AVENUE, WITHIN LAWRENCE ENRIETTO PARK**

Council member Keany disclosed he is Council liaison for the Louisville Sustainability Advisory Board and has attended most of the meetings relative to the Community Garden. He felt he could be impartial, but if Council or any public members had any concerns, he would recuse himself from the discussion and vote on this matter. There were no concerns expressed. Council member Keany remained in the meeting room.

Mayor Muckle requested a staff presentation.

Planning and Building Safety Director Russ stated the Louisville Sustainability Advisory Board (LSAB) and the City of Louisville are proposing a multi-phased neighborhood based community garden for up to 45 plots be developed for Louisville resident use. The project is proposed for the NW and NE corners of the intersection of Garfield Street and Lincoln Avenue, within Lawrence Enrietto Park. The property is located in the City's Residential Low Density (RL) Zone District. A community garden is considered an agricultural land use. Section 17.12.030 allows for agricultural as a principle land use

in the RL Zone District as a Special Review Use (SRU). This is a land use application. The intent of the community garden is to:

- Provide an additional community garden for Louisville citizens, particularly those without access to garden land (residents in multifamily homes, those with small yards, shaded yards or yards unsuitable for gardening).
- Provide citizens at Lydia Morgan senior housing an opportunity to garden.
- Address a recreational / sustainability trend strongly desired by Louisville residents.

**Goals:**

- Adhere to the goals of the City's Comprehensive Plan.
- Conform to the intent of the PROST.
- Foster a sense of belonging.
- Provide a strong social network.
- Promote healthy food and a healthy lifestyle.
- Reduce the cost of food transportation by locally sourcing food.
- Enhance sustainable practices.

**Development Standards:**

1. The Community Garden shall be available to Louisville residents only.
2. The Community Garden would be allowed up to 45 garden plots. The design of the community garden may vary from shown.
3. Garden types and sizes shall be permitted in any form or dimension within the designated plotting areas.
4. Raised garden plots can be designed with 12" to 24" raised walls.
5. Garden plots shall remain at least 10-feet from all property lines.
6. The community garden will be operated by a Garden Association.
7. Compost and trash will be handled by the Garden Association.
8. Gardeners will be responsible for maintenance and upkeep.
9. Each garden plot will be accessed by 5' natural walkways, while each garden bed will be accessed by 4' natural trails.
10. Vehicles will park along Garfield Avenue and Griffith Street.
11. The City shall increase the visibility of the Lincoln and Griffith intersection to raise awareness to the presence of cross traffic and pedestrians.
12. Tools and supplies will be stored in up to two 8'X10' storage sheds.
13. Three bike racks are to be located near garden entrance at NW intersection of Griffith Street and Lincoln Avenue.
14. Pets are not permitted in the community garden area.
15. The Community Garden will be open from dawn to dusk 7 days a week.
16. No artificial lighting will be permitted.
17. No electronic amplified sound will be permitted.
18. Up to 3 special events will be permitted each year.

Special Review Use Criteria: 5 Criteria. Staff found all 5 criteria were met.

1. Consistent with Comp Plan
2. Lend Economic Stability, compatible with character of surrounding areas
3. Use is adequate for internal efficiency
4. External effects are controlled
5. Adequate amount of proper pedestrian and vehicular circulation

Planning Commission Action: Conditions of Approval:

1. The Community Garden shall be available to Louisville residents only.
2. The City shall increase the visibility of the Lincoln and Griffith intersection to raise awareness to the presence of cross traffic and pedestrians.
3. No electronic amplified sound will be permitted.
4. A floodplain development permit is granted by the City's Board of Adjustment.

Board of Adjustment Action: The applicant's floodplain development permit request was heard and approved by the Board Adjustment on August 19, 2015.

Staff Recommendation: Staff recommended City Council approve Resolution No. 70, Series 2015, with no conditions.

## PUBLIC COMMENTS

Mary Ann Heaney, Sustainability Board Member, 1117 LaFarge Avenue, Louisville, CO presented a slide show of community gardens. She outlined the benefits of the community garden and voiced her hope this would be the first of many community gardens in Louisville.

Robin Rathweg, 605 W. Hawthorne Street, Louisville, CO reviewed the concerns expressed by public members. She noted there will be rules and contracts required for a garden plot. The fee is \$100.00, plus \$25.00, the \$25.00 is refundable if the area is cleaned up after the gardening season. There is a requirement for every gardener to commit to two hours per month to work on the community garden as a whole. It is an organic garden. There will be tool sheds for gardeners to store their tools. Priority will be given to neighbors.

Christina Staton, 1411 Garfield Court, Louisville, CO read an article from the Louisville Times. She voiced her concern over a garden built on a flood plain and fences and tool sheds over a drainage ditch. She stated flooding can occur along a drainage ditch. She felt the garden would bring more traffic and congestion and the proposal for a lottery system will bring outsiders to the neighborhood. She was concerned a non-profit group would be governing public land. She recommended using the Harney/Lastoka community garden's 40 spaces. She opposed the community garden.

Dave Clabots, 725 Lincoln Avenue, Louisville, CO supported the community garden proposal. He has been a gardener for over 30 years and has never had his garden flooded. He felt this proposal would be good for the community.

Chris Rathweg, 605 W. Hawthorne Street, Louisville, CO voiced his support for the community garden.

Betty Soleck, 725 Lincoln Avenue, Louisville, CO also supported the community garden and felt it would foster community interaction. Her experience with gardening was the community garden at the Louisville Art Center. She felt this community garden is important to the community. The community garden will address the physical challenges and add visual enhancements. As an Old Town resident, she understood the impacts of parking, but felt they were overrated.

Michael Menaker, 1827 W. Choke Cherry Drive, Louisville, CO supported the community garden. His concern centered on the lottery of plots. He felt the value of community garden is the opportunity to garden. He felt there should be a preference for residents living in lower income housing such as the apartments and the trailer park. He noted many of those residents do not speak English and suggested bi-lingual flyers be distributed throughout the area. He supported the buddy system for seniors.

Sherry Sommers, 910 S. Palisade Court, Louisville, CO voiced her concern over the sustainability of the gardening association. She asked what would happen if the group loses interest or the desire goes away. Would there be City oversight.

Mayor Muckle called for additional public comment and hearing none, closed the public hearing.

## COUNCIL COMMENTS

Council member Keany asked Planning and Building Safety Director Russ to address the role of the Gardening Association. Planning and Building Safety Director Russ reviewed the layer of City regulations as follows: 1) It is on City park property; 2) There is a License Agreement; 3) Park's Department oversight; 4) Complaint driven, the SRU is revocable.

Council member Lipton voiced his concern for the expectation of an established neighborhood. The introduction of a community garden will bring additional traffic to the area and impact existing parking. He asked why Cottonwood Park was not considered. Planning and Building Safety Director Russ explained the Planning Staff was not asked to look at alternative sites. They have been working on this application and not location analysis for alternative sites.

Council member Lipton requested some consideration on how this would impact the neighbors. He was supportive of community gardens, but felt there has to be some sensitivity to the neighborhood. He was also concerned about nuisances created by wildlife and predators.

Council member Stolzmann thanked the public members who spoke this evening.

She supported community gardens and would have no problem with putting the gardens at Cottonwood Park. She stated the SRU did not enable a good public conversation about the gardens. She felt it made it hard of the neighbors, the Sustainability Board and the non-profit group. She suggested other requests for community gardens should be done differently. She requested more information relative to the flood plain permit and asked whether there is a limit to the amount of dirt people are allowed to bring in. Planning and Building Safety Director Russ explained a civil engineer presented before the Board of Adjustment and evaluated the proposal and the amount of grading, the raised beds and the tool sheds. None are in the flood way, but portions are in the flood plain. The Board of Adjustment looked at the risk in order to determine the number of beds allowed, which is included in the SRU. The Board also evaluated for risk of adjacent property.

Council member Stolzmann supported the suggestion of a garden share registry. With respect to neighborhood preference, she also supported an affordability preference. She supported a lottery system every year to bring about diversity of users. She stated because this is an SRU, it meets the criteria, but felt Cottonwood Park would have been a better location. In the future she hoped there would be consideration for edible parks and fruit trees in City parks and public landscaping and garden shares. She suggested looking at a different process for community gardens at different areas in Louisville.

Mayor Pro Tem Dalton favored giving priority to families who do not have land for gardens and would propose an amendment for a condition of approval.

Council member Keany explained the Sustainability Advisory Board discussed the Cottonwood Park location with the Parks and Recreation Director, but because there is not a master plan for the area it was not considered. When a master plan is developed for the area, there may be opportunities for alternative uses.

Council member Leh addressed the issue of wildlife and predatory animals and asked if there has been any consideration of how to deal with such problems. Planning and Building Safety Director Russ stated to date fencing or other predator proof gardens has not been addressed. The Planning Commission discussed it, but did not make it a condition of approval.

Council member Leh supported community gardens if there is proper oversight and regulation. He stressed the importance of the non-profit organization to reach out to the neighborhood to build relationships. He would support a condition to set aside some plots for lower income families or for people who cannot garden any other way.

Council member Loo noted SRU's do not last forever and if there are complaints, there is a right of appeal. She asked about the phasing of the community garden and whether it would be to the east or west area of the property. Planning and Building Safety

Director Russ stated it would begin in the west because the majority of the area is outside of the flood plain and from a grading perspective, it is ready.

Mayor Muckle supported the comments made by City Council, including a preference for neighbors living nearby and for those who do not have areas for gardens and for a bi-lingual outreach.

Council member Lipton proposed the phasing begin on the east side and when it's completed, a determination be made on whether this program is successful and accepted by the neighborhood. He suggested first preference should be given to Lydia Morgan residents.

Mayor Muckle supported approving the entire the SRU with the phasing on the east side. Council member Loo concurred and stated her understanding it would cost more to begin on the east side. Planning and Building Safety Director Russ confirmed the grading of the property and the water tap on the east side would be more costly.

Mayor Muckle asked for Council consensus on direction to staff as to whether to phase the east side of the garden first and address the issues of wildlife concerns as part of the permitting process. Planning and Building Safety Director Russ stated a condition could also be placed on the SRU and suggested it be tied to the performance of the garden. He requested Council direction to include in the license agreement bi-lingual brochures, the suggested priority of Louisville residents, apartment, townhome, trailer and lower income residents.

Mayor Muckle favored tying the phasing to the SRU and the balance addressed in the license agreement.

Mayor Pro Tem Dalton wanted a preference for residents who do not have land to garden. He asked City Attorney Light if such language could be incorporated. City Attorney confirmed language could be incorporated into the licensing agreement.

City Attorney Light addressed the phasing plan and asked if there was a timing element where the area to the east would be developed and then subject to a performance review before the west side could be developed.

Council member Loo wanted to be sure the City would be able to fully utilize the Boulder County grant, which will expire in April of 2016.

Council member Stolzmann stated one question raised by the public was the grant money. She explained the Boulder County grant is to further sustainability in the City.

Planning and Building Safety Director Russ addressed Council member Lipton's expectation on performance standards and asked should the completed eastern portion be evaluated before developing the western portion. Council member Lipton confirmed



the eastern portion should be developed first and evaluated before developing the western portion.

City Attorney Light explained there could be a stipulation for one-half of the project to be conditioned upon meeting performance criteria before development of the other half.

Council member Lipton and Mayor Muckle were supportive of performance criteria. Council member Stolzmann stated she could be supportive if necessary, but did not believe performance criteria were necessary.

Council member Lipton stated his concern was not the activity of plants, but rather the activity and impacts to the neighborhood. He supported moving forward with the City Attorney's suggested stipulation for phase 1 of the project to be conditioned upon meeting performance criteria before the development of phase 2.

MOTION: Mayor Muckle moved to approve Resolution No. 70, Series 2015, with the following conditions: 1) The project shall be phased where the area east of Garfield Avenue shall be developed first and the area west of Garfield Avenue shall be subject to further review and approval by City Council prior to its development. 2) The Community Garden shall prioritize the leasing of the garden plots to Louisville residents who do not have yards, above others who do. The motion was seconded by Council member Lipton. All were in favor.

#### **RESOLUTION No. 71, SERIES 2015 – A RESOLUTION APPROVING THE CITYWIDE PRESERVATION MASTER PLAN**

Mayor Muckle requested a staff presentation.

Planner I Trice presented the Preservation Master Plan. The Comp Plan Core Values include the following: A Sense of Community; Our Livable Small-Town Feel; A Healthy, Vibrant, and Sustainable Economy; A Connection to the City's Heritage; Sustainable Practices or the Economy, Community, and the Environment; Unique Commercial Areas and the benefits of preservation; a Balanced Transportation System; Families and Individuals; Integrated Open Space and Trail Networks; Safe Neighborhoods; Ecological Diversity; Excellence in Education and Lifelong Learning; Civic Participation and Volunteerism and Open, Efficient and Fiscally Responsible Government.

Benefits of Preservation: Protects small-town character; Creates sense of place; Inspires community pride; Leverages public dollars for private investment; Contributes to environmental sustainability and Cultivates tourism.

The Preservation Master Plan includes vision; evaluation; goals and implementation. The Plan was reviewed by the HPC Subcommittees; by over 120 people at 3 community meetings, through customer surveys; EnvisionLouisvilleCO web site;

Stakeholder interviews, Boards, Commissions and Community organizations and by public outreach through social media, flyers, large signs and at the Farmer's Market.

Vision and Purpose: Vision: the citizens of Louisville retain connections to our past by fostering its stewardship and preserving significant historic places. Preservation will reflect the authenticity of Louisville's small-town character, its history, and its sense of place, all of which make our community a desirable place to call home and conduct business. Purpose: The purpose of the Plan is to outline Louisville's city-wide voluntary historic preservation program for the next twenty years.

Evaluation: Strengths: Voluntary landmark designation; voter-approved Historic Preservation Fund; Contribution of many professionals and volunteers and Junior Preservationist Program. Weaknesses: Policy: Administrative review, employ preservation strategies. Practice: update forms, training, research and survey, standardizing processes. Perception: review of minor changes, written materials, awareness, communication, publicity.

Goals: 1) Preservation practice; 2) Public awareness; 3) Resource preservation; 4) Partnership and 5) Preservation incentives.

Action items: 67 action items consolidated to 39. Organized by: immediate, near-term, and long-term. Outlined in Implementation Chart and described in Appendix A and endorsed by HPC. Highest priority: Evaluate and improve demolition process.

Fiscal Impact: Funding sources: Louisville's Historic Preservation Fund; Certified Local Government Grants; State Historic Fund; National Trust for Historic Preservation; National Park Service Historic Preservation Fund and Louisville Capital and Operation Budget.

The Historic Preservation Commission (HPC) Endorsement: On September 23, 2015, the HPC reviewed the comments from City Council, Boards, Commissions and community organizations and reviewed the draft Preservation Master Plan. They voted to endorse the Preservation Master Plan. HPC Endorsement Letter: "The HPC believes the proposed Plan unifies the HPC and staff in their endeavors as we work together toward common goals and objectives. It also creates unity among the current and future commissions and conveys clear guidance to further preservation in Louisville."

Staff recommendation: Staff recommended the City Council adopt the Preservation Master Plan by approving Resolution No. 71, Series 2015.

## **PUBLIC COMMENTS**

Kirk Watson, Historic Preservation Commission Chairperson, 319 W. Spruce Lane, Louisville, CO expressed his appreciation for City Council consideration of the Historic

Preservation Master Plan. His personal objectives were to use the plan to enhance the effectiveness of the organization and make better use of the Historic Preservation funds. The plan contains many action items that will assist in those objectives. There are items that will assist staff to reserve properties by encouraging certain zoning dispensations. The Plan calls on surveys for the City, which he did not believe were quite as important as having an historic coordinator's assistance. He thanked the City Council for their time and consideration.

Linda Haley, Historic Preservation Commissioner, 324 Tyler Avenue, Louisville, CO thanked Council for their support. She explained the HPC took Council's suggestions and incorporated them into the Master Plan. They felt the timeline suggestion was very beneficial. They look forward to the passage of the Historic Preservation Master Plan.

Debbie Fahey, Historic Preservation Commissioner, 1118 W. Enclave Circle, Louisville, CO voiced her support for the Historic Preservation Master Plan. She noted the changes made to the Plan would address most of Council's concerns. She stated the Plan is more readable and more aspirational and once the Plan is adopted, it will provide staff the authority to make the changes Council requested. She thanked Council for their direction.

## COUNCIL COMMENTS

Mayor Pro Tem Dalton stated his belief if a Preservation Master Plan is approved a defined period of significance should be established for the City of Louisville. He recognized the Parks Service and many other historic jurisdictions allow a 50-year rolling period of significance, but he felt the City of Louisville should establish a defined period of significance of 1939. He stated it would allow a property owner who wishes to landmark their property to do so. It would also eliminate the requirement for review for structures over 50-years old, who wish to do any significant alterations to the exterior appearance of their homes, including demolition.

Mayor Muckle thanked the HPC for their work on the Preservation Master Plan and stated he supports the Plan as written.

Council member Stolzmann also thanked the HPC for all their work on the Preservation Master Plan. She offered amendments to the following sections: Appendix – Immediate Action Items:

- "Improve and increase written and digital materials": Council member Stolzmann suggestion: *"Post Landmarking applications and provide information on the process to the public"*. There was Council consensus.
- "Evaluate expanding Planned Unit Development (PUD) waiver allowances to include preservation. Amend the municipal code to allow waivers from design standards in exchange for preservation of historic resources through the PUD

process". Council member Stolzmann suggestion: *Change Evaluate to Amend or exclude the entire paragraph.*

Discussion: Planning and Building Safety Director Russ explained Old Town does not have PUD's. Mayor Muckle did not feel a height waiver would be considered for the downtown area. Council member Loo noted one of the suggestions was a waiver on parking, which she was not in favor of. Mayor Muckle was willing to amend the paragraph, but not exclude it entirely. Council member Stolzmann felt this should be a near term action item instead of an immediate action item. Council member Keany noted at the Ward I meeting, residents were concerned about the large structures being built in Old Town. He would not be supportive if this would allow larger residential structures in Old Town in exchange for preserving historic structures.

Planning and Building Safety Director Russ explained in the LMC, Chapter 17.28 of the PUD Section, there are provisions of the allowed waivers. It is largely public benefit or open space and does not deal with preservation. Each item would then be presented to City Council through a PUD. This amendment to the LMC stipulates which waivers could be considered. Council could then determine which waiver was appropriate. PUD's are for commercial development or a residential development having more than 6 units.

City Attorney Light stated if the language is to be changed from evaluate to amend, the appropriate phrase would be "evaluate potential amendments to the municipal code to allow waivers." There was Council consensus.

- "Research and document Louisville's History." Council member Stolzmann asked why a consultant would perform these duties when the City has a Museum Coordinator.

Discussion: Planner I Trice explained a consultant would perform a historic context survey in partnership with the City's Museum Coordinator. Council member Loo inquired whether this could be done by a master's candidate from a university. Planner I Trice stated an Intern or a class could. It is typically done by a consultant because of the level of detail required. Staff would look into whether the historic context survey could be done by a university intern or class. There was Council consensus.

#### Appendix - Near-Term Action Items:

- "Prepare Neighborhood Plans with preservation strategies". Council member Stolzmann stated she had a number of concerns over neighborhood plans and preferred to remove this paragraph from the document entirely.

Discussion: Council member Loo and Mayor Muckle agreed. Planning and Building Safety Director Russ asked for clarification should an Old Town neighborhood be reviewed, staff would not consider the historic characteristics. Mayor Pro Tem Dalton

stated the Old Town Overlay would be used. Planner I Trice explained several preservation strategies addressed at workshops were put into the neighborhood plan. She stated some of the strategies provide additional incentives which would allow the voluntary landmarking program to continue. Mayor Pro Tem Dalton disagreed.

Council member Loo questioned why the City would want conservation areas. Planner I Trice explained there are ways to protect the forms of the buildings and they are typically associated with a pattern book. A pattern book is related to the conservation area and would allow surrounding neighbors to look at additions that could be approved. Council member Loo asked if the Fireside Neighborhood Plan goes through, would there be pattern books for McStain homes. Planning and Building Safety Director Russ stated it was a potential and explained it is already available through the PUD's that do not match the underlying zoning. He stressed the importance of Neighborhood Plans to establish neighborhood compatibility and ascertain whether the residents are comfortable with the modifications. Planner I Trice explained it provides an opportunity to discuss the strategies. Mayor Muckle supported keeping the section in.

Council member Stolzmann stated the reason she is trying to prioritize and give Council direction is to address her concerns with the Planning Department. She wanted to ensure the document was focused and the Planning Department has the time to address actual community concerns and not have random discussions on something that will not be adopted.

Council member Keany explained many old town residents do not want to see additional lot coverage in order to have historic preservation. Planning and Building Safety Director Russ agreed and stated this could be accomplished through the Neighborhood Plans, which allow residents to be part of the discussion. He agreed the new homes in Old Town are totally out of character. Council member Keany stated the Old Town residents would like the first Neighborhood Plan to be Old Town and not Fireside.

Council member Stolzmann did not understand why this would be an historic preservation action. She felt the Neighborhood Plans would establish the community character. Council member Keany stated if it were part of the neighborhood discussion he was adverse to a separate requirement. Planner I Trice explained it is the intent to be a part of the Neighborhood Plans if it is appropriate.

Mayor Muckle suggested the following amendment: "Consider preservation strategies as part of the neighborhood planning process". The balance of the paragraph would be eliminated. There was Council consensus.

There was Council consensus on the amendments.

Council member Loo had concerns relative to Near-Term Action Item – “Develop preservation forum for local building professions”. She felt it should be an Immediate Action Item. There was Council consensus.

MOTION: Mayor Muckle moved to approve Resolution No. 71, Series 2015 the Preservation Master Plan, as amended, seconded by Council member Keany.

MOTION: Mayor Pro Tem Dalton moved to amend the Preservation Master Plan to substitute the rolling period of significance to a period of significance that ends in the year of 1939. The motion was seconded by Council member Lipton.

#### COUNCIL COMMENT

Council member Lipton asked for the significance of the year 1939. Mayor Pro Tem Dalton stated it was the year World War II started. He explained most of the historic building stopped in Louisville around that time.

Council member Lipton supported selecting a date, but noted the Historic Preservation Plan is a 20-year plan and could be changed by future Councils.

Mayor Muckle supported the rolling period of significance, but if a period of significance had to be established it should be attached to a memorable time in Louisville’s history, such as when the mines closed.

#### PUBLIC COMMENT

Michael Menaker, 1827 S. Choke Cherry Drive, Louisville, CO suggested 1955, the year the mines closed as the period of significance.

Kirk Watson, 319 W. Spruce Lane, Louisville, CO also agreed with a fixed period of significance. He noted in later years there was an increase in production housing, which he did not believe to be an historic resource. He supported the year 1955.

#### COUNCIL MOTION

Mayor Pro Tem Dalton amended his amendment to include a period of historic significance to 1955. Council member Lipton accepted the amendment.

#### PUBLIC COMMENT

Debbie Fahey, 1118 W. Enclave Circle, Louisville, CO suggested the year 1978, when the Centennial PUD was approved. 1978 was also Louisville’s centennial year.

City Attorney Light clarified the establishment of a period of significance does not change the rules outlined in the ordinances about when a demolition review is required.

There are ordinances that use the 50-year period, which would require a separate legislative process.

Mayor Pro Tem Dalton stated if his amendment to the Preservation Master Plan passes, he would request the Council direct staff to make the legislative changes.

#### **COUNCIL COMMENT**

Mayor Muckle suggested the year of 1965.

Council member Stolzmann inquired if Mayor Pro Tem Dalton's amendment included all the amendments to the Master Plan. Mayor Pro Tem Dalton stated they were included.

VOTE: On the amendments and the establishment of 1955 as a period of significance. The motion passed by a vote of 6-1. Mayor Muckle voted no.

VOTE: On Resolution No. 71, Series 2015 – A Resolution Approving the Citywide Master Preservation Plan, as amended. The motion passed by a vote of 7-0.

#### **2000 TAYLOR AVENUE**

- 1. ORDINANCE No. 1703, SERIES 2015 – AN ORDINANCE APPROVING AN AMENDMENT TO THE BUSINESS CENTER AT CTC GENERAL DEVELOPMENT PLAN (GDP) TO REZONE THE PROPERTY FROM PCZD-C TO PCZD-I – 2nd Reading –Public Hearing**
- 2. RESOLUTION No. 66, SERIES 2015 – A RESOLUTION APPROVING A FINAL PLANNED UNIT DEVELOPMENT (PUD) PLAN TO CONSTRUCT A 120,581 SF SINGLE STORY INDUSTRIAL/FLEX BUILDING WITH ASSOCIATED SITE IMPROVEMENTS FOR LOT 1, BLOCK 4, THE BUSINESS CENTER AT CTC**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1703, Series 2015 and reviewed Resolution No. 66, Series 2015.

Mayor Muckle opened the public hearing requested a staff presentation.

Principal Planner McCartney explained the property is located in CTC and zoned PCZD-C. The request is for a rezoning of PCZD-I. The applicant is not able to market the property with a commercial zone district. If zoned PCZD-I, the IDDSG would govern the development.

Zoning History: Ordinance No. 1277, Series 1998 zoned the eastern half of the property PCZD-C and the western half PCZD-I. The PCZD-C zoning allow Commercial

Businesses uses and CDDSG compliance. Ordinance No. 1295, Series 1999 zoned the entire property PCZD-C, allowed Commercial Business uses and CDDSG compliance. Ordinance No. 1533, Series 2008 allowed for industrial uses on the property, but still maintained CDDSG requirements.

Request: If Ordinance No. 1703, Series 2015 is authorized, the property would be zoned PCZD-I and be permitted all PCZD-I uses and Industrial uses. IDDSG zoning is requested for the governing design standards. If approved the property would be consistent with properties to the south and west in terms of design standard requirements and zoning.

2000 Taylor PUD: 120,581 SF general flex space; 72% hardscape; 28% soft scape, which exceeds IDDSG requirement. Four access points; two Taylor; one on CTC and one of S.104<sup>th</sup>.

Parking Plan: Warehousing with loading = 419 Spaces; Office without loading = 528 spaces.

Signs: Monuments Signs – IDDSG allows one freestanding sign for each access. The applicant is requesting 4 monument signs. Wall Signs waiver: IDDSG allows 15 SF wall signs, not to total more than 80 SF. The applicant is proposing 40 SF signs not to total more than 120 SF. Staff recommended approval of Ordinance No. 1703, Series 2015 and Resolution No. 66, Series 2015.

#### COUNCIL COMMENT

Council member Stolzmann commented she felt the Planning Commission and Planning staff did a good job on this amendment.

#### APPLICANT PRESENTATION

Jim Vasbinder, Etkin Johnson Group, 1512 Larimer Street, Denver, CO stated they are looking for Council consideration of their rezoning request. He explained CTC has had great success in the past and every building they have built over the last three years has been leased to major corporations either local or international. There is a significant amount of interest in this particular site. CTC has a great reputation for not only bringing in high tech facility, but for food manufacturing and bringing in a great number of sophisticated and highly technical employees. There is tenant interest in the proposed building. The last building they built was leased to a Canadian Oil and Gas company for their North American training facility. They continue to look forward to work with the City on projects in CTC.

Mayor Muckle called for public comment and hearing none, closed the public hearing.

#### COUNCIL COMMENT



Mayor Muckle stated his understanding the building on three sides will face the interior of CTC and only the main entrance will face 104<sup>th</sup> Street. He asked what the Commercial Design Guidelines would be for the front of the building versus the Industrial Design Guidelines for the other three sides.

Principal Planner McCartney stated they would have architectural requirements for the loading docks. All regulations have been met.

Council member Keany inquired about the large amount of dirt brought in and placed on the property. Mr. Vasbinder explained the dirt will be used on this property and another property to the north for grading purposes.

Council member Lipton stated in 1999, he was on Planning Commission, and there was a desire to provide food service amenities for employees. He asked how those services would be provided relative to the rezoning requests from commercial to industrial. Principal Planner McCartney explained through the industrial area as well as in the PCZD –I there are some provisions noted for food service, which would be a Special Review Process. Also in the PCZD-I (19) there are other uses permitted by City Council.

#### **ORDINANCE No. 1703, SERIES 2015**

MOTION: Council member Lipton moved to approve Ordinance No. 1703, Series 2015, seconded by Mayor Muckle. Roll call vote was taken. The motion carried by a vote of 7-0.

#### **RESOLUTION No. 66, SERIES 2015**

MOTION: Council member Lipton moved to approve Resolution No. 66, Series 2015, seconded by Mayor Pro Tem Dalton. All were in favor.

Mayor Pro Tem Dalton stated in his eight years on Council, and his two years on Planning Commission, he has seen Mr. Vasbinder appear before both bodies and he is always prepared. He voiced his appreciation for his work and for Etkin Johnson's quality buildings.

**ORDINANCE No. 1697, SERIES 2015 – AN ORDINANCE AMENDING SECTIONS 3.08.030, 13.12.020 AND 13.12.040 OF THE LOUISVILLE MUNICIPAL CODE TO ADDRESS WATER SERVICE CONNECTIONS AND WATER TAP FEES FOR LIVE-WORK LAND USES – 2<sup>nd</sup> Reading – Public Hearing – CONTINUED FROM JULY 28, 2015 AND SEPTEMBER 15, 2015 – Staff Requests Continuance to November 2, 2015**

MOTION: Council member Lipton moved to continue Ordinance No. 1697, Series 2015, to November 2, 2015, seconded by Council member Keany. Roll call vote was taken. All were in favor.

**COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF  
FUTURE AGENDA ITEMS**

Mayor Muckle suggested continuing the Executive Session to a non-regularly scheduled meeting night. There was discussion relative to scheduling a special meeting for an executive session.

City Attorney Light reviewed the options available to Council for scheduling a special meeting. A special meeting requires a 48-hour notice. The request to call a special meeting must be made to the City Clerk. There was Council consensus to conduct a special meeting for the executive session at 8:30 p.m. on Monday, October 12, 2015.

City Attorney Light requested Council entertain a motion to call a special meeting for Monday, October 12, 2015 at 8:30 p.m.

MOTION: Mayor Pro Tem Dalton moved to conduct a special meeting on Monday, October 12, 2015 at 8:30 p.m., seconded by Council member Lipton. All were in favor.

**CITY ATTORNEY'S REPORT**

No items to report.

**ADJOURNMENT**

MOTION: Mayor Muckle moved to adjourn, seconded by Mayor Pro Tem Dalton. All were in favor. The meeting was adjourned at 10:50 p.m.

---

Robert P. Muckle, Mayor

---

Nancy Varra, City Clerk